

**BROWN &  
MICHAELS, PC**400 M&T Bank Building  
118 North Tioga Street  
Ithaca, New York 14850

607-256-2000

Fax: 607-256-3628

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web: <http://www.bpmlegal.com/>**FACSIMILE TRANSMISSION COVER SHEET**

Date: January 13, 2004  
Time: 4:43 PM  
From: Justin Wood  
To: Examiner Ibrahim  
Re: Office Action Response for 09/294,663  
Facsimile #: (703) 872-9307  
Phone Code: 1328

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Copy of documents sent 11/26/2003

**CERTIFICATE OF FACSIMILE TRANSMISSION****FACSIMILE NO: 1-(703) 872-937****DATE: January 13, 2004**

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Justin Wood

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USPTO 11/28/2003 1:36 PM PAGE 1/001 Fax Server  
 O:Auto-reply fax to 6072563628 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 6072563628

Fax Information

Date Received:

11/26/2003 1:34:02 PM [Eastern Standard Time]

Total Pages:


2 (including cover page)

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Received  
 Cover  
 Page

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Nov 28 03 02:32p	Brown & Michaels PC	6072563628	p.1
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**BROWN & MICHAELS PC**

401 WEST 84th Street  
 13th Floor, Room 1302  
 New York, NY 10024  
 Tel: 212-692-1000  
 Fax: 212-692-1001  
 E-mail: bmic@bmicpc.com  
 Web: http://www.bmicpc.com

**FACSIMILE TRANSMISSION COVER SHEET**

Date: November 26, 2003  
 Time: 1:15 PM  
 From: Thomas T. Aquila  
 To: Unrevised Reclaim  
 Re: Office Action Response for 09/29/4,663  
 Facsimile #: (703) 672-9307  
 Phone Code: 1325

Number of Pages (including this cover sheet): 2

Only returns prior to this facsimile transmission. Applicant faxed in Terminal Disclaimer and Office Action Response for 09/29/4,663. Attached hereto is a copy of the PTO's Auto-Reply, confirming receipt of said Response.

However, Applicant's attorney neglected to attach authorization for charging the attorney's Deposit Account. Therefore, Applicant's attorney hereby provides such authorization.

The Commissioner is hereby authorized to charge \$55.00 to cover the Small Entity Attorney Disclaimer fee under 37 C.F.R. 1.20(d), and any additional fees that may be required, or credit any overpayments to Deposit Account No. 02-0910.

Respectfully submitted:

Date: 11/26/03 By: Thomas T. Aquila  
 Thomas T. Aquila, Registration No. 43,473

**CERTIFICATE OF FACSIMILE TRANSMISSION**

FACSIMILE NO. NY- 918-1367 DATE: 11/26/03

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Date: November 26, 2003  
Time: 1:15 PM  
From: Thomas T. Aquilla  
To: Examiner Ibrahim  
Re: Office Action Response for 09/294,663  
Facsimile #: (703) 872-9307  
Phone Code: 1328

Number of Pages (including this cover sheet): 2

Only minutes prior to this facsimile transmission, Applicant faxed its Terminal Disclaimer and Office Action Response for 09/294,663. Attached hereto is a copy of the PTO Auto-Reply, confirming receipt of said Response.

However, Applicant's attorney neglected to attach authorization for charging the attorney's Deposit Account. Therefore, Applicant's attorney hereby provides such authorization:

The Commissioner is hereby authorized to charge \$55.00 to cover the Small Entity Statutory Disclaimer fee under 37 C.F.R. 1.20(d), and any additional fees that may be required, or credit any overpayment to **Deposit Account No. 02-0910**.

Respectfully submitted:

Date: 11/26/2003By: Thomas T. Aquilla  
Thomas T. Aquilla Registration No. 43,473**CERTIFICATE OF FACSIMILE TRANSMISSION**FACSIMILE NO: 703-872-9307DATE: 11/26/2003

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Thomas T. Aquilla  
Thomas T. Aquilla

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HP Fax Series 900  
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Fax History Report for  
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6072563628  
Nov 26 2003 2:33pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 26	2:32pm	Sent	170387293071328	1:00	2	OK

Result:

OK - black and white fax

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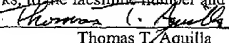
Date: November 26, 2003  
Time: 1:15 PM  
From: Thomas T. Aquilla  
To: Examiner Ibrahim  
Re: Office Action Response for 09/294,663  
Facsimile #: (703) 872-9307  
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Number of Pages (including this cover sheet): 9

Faxed with this cover sheet is the following:

**Terminal Disclaimer and Office Action Response for 09/294,663****CERTIFICATE OF FACSIMILE TRANSMISSION****FACSIMILE NO:** 703-872-9307**DATE:** 11/26/2003

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Thomas T. Aquilla

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

November 26, 2003

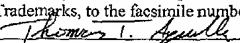
In Re application of: Granados *et al.*  
Appeal No.: 2002-2030  
Serial No: 09/294,663  
Filed: 4/19/99  
For: A NOVEL INVERTEBRATE INTESTINAL MUCIN cDNA  
AND RELATED PRODUCTS AND METHODS  
Art Unit: 1638  
Examiner: Ibrahim, Medina Ahmed  
Confirmation Number: 6379  
Attorney Docket No.: BTI-39CIP

HONORABLE COMMISSIONER OF PATENTS  
Washington, D.C. 20231

## TERMINAL DISCLAIMER

The owner, Boyce Thompson Institute for Plant Research, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 6,187,558. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

CERTIFICATE OF FACSIMILE TRANSMISSION	
FACSIMILE NO: 703-872-9307	DATE: 11/26/2003
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Jan 13 04 05:48p

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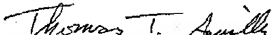
6072563628

P. 14

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record. The terminal disclaimer fee under 37 CFR § 1.20(d) is included. The PTO suggested wording for this terminal disclaimer is unchanged.

Respectfully submitted:

  
-- Thomas T. Aquilla, Reg. No. 43,473 --  
Attorney for Applicant

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Dated: November 26, 2003



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Fax History Report for  
Brown & Michaels PC  
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<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 26	2:17pm	Sent	170387293071328	2:44	9	OK

Result:

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